

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

SOVEREIGNTY JOESEPH HELMUELLER
SOVEREIGN FREEMAN,

Plaintiff,

v.

OPINION and ORDER

JERRET MCLAIN, MCKENZIE HAZEN,
CRAIG YAHLIK, JASON NOEL,
ARRON PROSCHAK, SCOTT CHARLES SMITH,
SCOTT ALLEN WAIT, TAMARA LEA RABB,
and LACY MAYAVESKI,

22-cv-497-jdp

Defendants.

Plaintiff Sovereignty Joeseeph Helmueller Sovereign Freeman, who formerly went by the name Andrew Jacob Helmueller in previous cases filed in this court, is an inmate at Waupun Correctional Institution. Helmueller, appearing pro se, alleges that private citizens conspired with police to arrest him for stealing a car that he legally owned and then give the car away.

The court has already allowed Helmueller to proceed with this case in forma pauperis, and he has made an initial partial payment of the filing fee as previously directed by the court. The next step is for me to screen Helmueller's complaint and dismiss any portion that is legally frivolous or malicious, fails to state a claim upon which relief may be granted, or asks for money damages from a defendant who by law cannot be sued for money damages. 28 U.S.C. §§ 1915 and 1915A. In doing so, I must accept his allegations as true and construe the complaint generously, holding it to a less stringent standard than formal pleadings drafted by lawyers. *Arnett v. Webster*, 658 F.3d 742, 751 (7th Cir. 2011).

Helmuellet's complaint does not comply with the Federal Rules of Civil Procedure, so I will dismiss the complaint and give him an opportunity to correct the problems identified in this order.

ANALYSIS

Helmuellet alleges that a group of people conspired to make a police report against him falsely accusing him of stealing a car that actually belonged to him—he had recently brought it from one of the defendants. It appears from his allegations that some of the defendants are private citizens and others are police officers. The criminal charges against him were ultimately dismissed but the police did not give him back the car.

Helmuellet contends that defendants violated his rights under 42 U.S.C. § 1985(3) by conspiring to deny him his right to equal protection under the law. To state a claim under § 1985(3), a plaintiff must allege, “first, that the defendants conspired; second, that they did so for the purpose of depriving any person or class of persons the equal protection of the laws; and third, that the plaintiff was injured by an act done in furtherance of the conspiracy.” *Hartman v. Bd. of Trustees of Cmty. College Dist. No. 508*, 4 F.3d 465, 469 (7th Cir. 1993).

Helmuellet's allegations do not comply with Federal Rule of Civil Procedure 8, which requires a plaintiff to provide fair notice to each defendant about what he or she did wrong. Helmuellet alleges that a group of people conspired to violate his rights but he does not explain which of them are private citizens and which are police officers, what actions each specific defendant did to harm him, or how he knows that they worked together to deprive him of his rights. A plaintiff bringing a conspiracy claim must allege details about the conspiracy; “mere suspicion that persons adverse to the plaintiff had joined a conspiracy against him or her [i]s

not enough.” *Cooney v. Rossiter*, 583 F.3d 967, 970–71 (7th Cir. 2009). He also doesn’t explain how he knows that they intended to discriminate against him; a conspiracy to deprive a person of equal protection under the law “must be motivated by racial, or other class-based discriminatory animus.” *Smith v. Gomez*, 550 F.3d 613, 617 (7th Cir. 2008).

I will give Helmueller an opportunity to file an amended complaint that addresses these problems. He should file his new complaint on the court’s complaint form, which I will have the clerk of court send him. In drafting his amended complaint, Helmueller should remember to do the following:

- Carefully consider whether he is naming proper defendants and omit defendants who did not personally cause or participate in a violation of his rights.
- Identify all of the individuals or entities that he wishes to sue in the caption of the complaint.
- Describe simply and concisely what actions he believes that each defendant took that violated his rights, using separate, numbered paragraphs. He should state his allegations as if he were telling a story to someone who knows nothing about the events.

ORDER

IT IS ORDERED that:

1. Plaintiff Sovereignty Joeseeph Helmueller Sovereign Freeman’s complaint, Dkt. 1, is DISMISSED.
2. Plaintiff may have until November 2, 2022, to submit an amended complaint as directed in the opinion above.
3. The clerk of court is directed to send plaintiff a copy of the court’s complaint form.

Entered October 11, 2022.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge